


) BEFORE THE CHIEF PROCUREMENT
) OFFICER FOR CONSTRUCTION

DECISION
CASE NO. 2012-008

POSTING DATE:
January 18, 2012

IT IS SO ORDERED


John St. C. White
Chief Procurement Officer
for Construction

¹ See letter of withdrawal attached as Exhibit A.

STATEMENT OF THE RIGHT TO APPEAL

The South Carolina Procurement Code, under Section 11-35-4210, subsection 6, states:

A decision under subsection (4) of this section shall be final and conclusive, unless fraudulent, or unless any person adversely affected by the decision requests a further administrative review by the Procurement Review Panel under Section 11-35-4410(1) within ten calendar days of posting of the decision in accordance with Section 11-35-4210(5). The request for review shall be directed to the appropriate chief procurement officer, who shall forward the request to the Panel, or to the Procurement Review Panel and shall be in writing, setting forth the reasons why the person disagrees with the decision of the appropriate chief procurement officer. The person may also request a hearing before the Procurement Review Panel.

Additional information regarding the protest process is available on the internet at the following web site: <http://www.state.sc.us/nmo/legal/lawmenu.htm>

FILING FEE: Pursuant to Proviso 66.1 of the 2004 General Appropriations Act, "[r]equests for administrative review before the South Carolina Procurement Review Panel shall be accompanied by a filing fee of two hundred and fifty dollars (\$250.00), payable to the SC Procurement Review Panel. The panel is authorized to charge the party requesting an administrative review under the South Carolina Code Sections 11-35-4210(6), 11-35-4220(5), 11-35-4230(6) and/or 11-35-4410(4). . . . Withdrawal of an appeal will result in the filing fee being forfeited to the panel. If a party desiring to file an appeal is unable to pay the filing fee because of hardship, the party shall submit a notarized affidavit to such effect. If after reviewing the affidavit the panel determines that such hardship exists, the filing fee shall be waived." 2004 S.C. Act No. 248, Part IB, § 66.1. PLEASE MAKE YOUR CHECK PAYABLE TO THE "SC PROCUREMENT REVIEW PANEL."

LEGAL REPRESENTATION: In order to prosecute an appeal before the Panel, a business must retain a lawyer. Failure to obtain counsel will result in dismissal of your appeal. Protest of Lighting Services, Case No. 2002-10 (Proc. Rev. Panel Nov. 6, 2002) and Protest of The Kardon Corporation, Case No. 2002-13 (Proc. Rev. Panel Jan. 31, 2003).



January 17, 2012

CPOC, Office of State Engineer
1201 Main St., Suite 600
Columbia, SC 29201

To Whom It May Concern:

Re: Construction, Repair, and Remodeling IDC
H59-ID689-PG
Trident Technical College's Three Campuses

This letter is written to withdraw our protest of the Trident Technical College Construction, Repair, and Remodeling IDC. We are withdrawing our protest based upon the findings of Mr. Phil Gerald from the state engineer's office. He contacted TTC and was told by them that they received bids from other companies by Fed Ex on Tuesday, December 20th, 2011. Mr. Gerald then passed this information on to me during a conversation we had discussing the matter. For reasons still unknown to us, our bid was sent out on Thursday, December 15th, 2011 and was received by TTC on January 3rd, 2012. Since receiving this new information that Fed Ex bids were received on time and ours was not, we do not feel it is fair to proceed any further in this matter. We can only come to the conclusion that for whatever reason one Fed Ex driver took it upon himself to not deliver to TTC during the break, when apparently other drivers continued to deliver. From the original information we were given, putting a stop on deliveries to an agency has to be done in writing by the customer which is why we protested in the first place. Please accept our apologies for any delays in awarding to the low bidders, and also for any inconvenience caused to MMO / State Engineers Office, Mr. Phil Gerald, or Trident Technical College. Please let me know if you need anything else to formally withdraw our protest.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Bross", written over a horizontal line.

Steve Bross
C.E.O.
First Class Construction LLC